

OFFICIAL

352.4 Shelter costs for applicant/recipient-owned property.

(a) Purchase of interest in low cost housing development.

(1) A social services official may approve a grant, not to exceed \$2,500 toward the purchase of an interest in a cooperative unit in a low cost housing development.

(2) The social services official must require assignment of applicant's/recipient's equity in such cooperative housing.

(b) Carrying charges. On applicant/recipient-owned property used as a home, carrying charges must be met in the amount actually paid by the applicant/recipient, but not in excess of the appropriate maximum of the rent schedule, for the items of taxes; interest on mortgage; fire insurance; and garbage disposal, sewer and water assessments.

(c) Amortization. The amounts required to amortize a mortgage on the applicant's/recipient's property must be included in the carrying charges when property is income-producing and the resulting carrying charges do not exceed the property income by an amount in excess of the maximum of the established rent schedule or when property is not income-producing but it is essential to retain the home of the applicant/recipient and the resulting carrying charges do not exceed the appropriate maximum of the established rent schedule.

(d) Property repairs. The cost of property repairs must be met when:

(1) the property is income-producing and the repairs are essential to retain that status; or

(2) the repairs are essential to the health or safety of the applicant/recipient.

(e) Shelter costs of property deeded to social services official.

(1) Property on which a social services official has taken a deed under the provisions of section 106 of the Social Services Law may be used to shelter a public assistance recipient whether it be the recipient who conveyed such property or other recipient.

TN 04-01 Approval Date OCT 19 2004
Supersedes TN _____ Effective Date JAN 01 2004

(2) Except in cases when property is used to shelter a surviving spouse of a former recipient who conveyed such property, it must be used to shelter other recipients only for a period of one year subsequent to the date of the death of the recipient who conveyed such property. After the expiration of a six-month period from such date of death but on or before the expiration of such one year, appropriate action must be taken to initiate a sale of such property in accordance with the provisions of section 106 of the Social Services Law.

(3) In cases in which property conveyed to a social services official is used to shelter a recipient other than the recipient who conveyed such property or his surviving spouse, a reasonable rental for such shelter must be determined. Such reasonable rental must be included in the grant of assistance of the recipient sheltered in such property and the net amount of such rent, in excess of all carrying charges paid for by the social services district, must be credited to the amount required to redeem the property as provided in section 106 of the Social Services Law.

352.5 Energy assistance.

(a) Tenant and customer of record requirements.

Prior to granting energy assistance under subdivisions (b) through (g) of this section, it must be documented that the applicant/recipient/grantee is the tenant and customer of record. A tenant of record is a person who has primary responsibility for payment of the monthly rent or mortgage for the dwelling unit. Individuals who contribute a portion of the monthly rent/mortgage to a person responsible for payment of the monthly rent/mortgage for the dwelling unit will not be considered a tenant of record. A customer of record is a person who has an account in his or her name with a home energy vendor. An individual who is not the tenant and customer of record considered to meet the tenant and customer of record requirement(s) when such individual is the spouse of the tenant and customer of record who is living in the same household or who is the surviving spouse of a deceased spouse who was the tenant and customer of record. The term home energy vendor means an individual or entity engaged in the business of selling electricity, natural gas, oil, propane, kerosene, coal, wood, or any other fuel used for residential heating and/or domestic (lights, cooking, hot water) energy.

TN 04-01 Approval Date OCT 19 2004
Supersedes TN _____ Effective Date JAN 01 2004

OFFICIAL

(b) Fuel for heating allowances.

Each social services district must grant an allowance for fuel for heating to a public assistance applicant/recipient or self-maintaining grantee in receipt of public assistance for a dependent child or children when it is documented that the applicant/recipient/ grantee is the tenant of record, as defined in subdivision (a) of this section, with primary responsibility for payment of the residential heating costs. A fuel for heating allowance must also be granted to a public assistance applicant/recipient/grantee whose utility heating bill may include costs for service for the applicant/recipient/grantee's own residential unit and for space outside that unit or whose non-utility heating bill includes costs for the applicant/recipient/grantee's own residential unit and for other residential units when it is documented that the applicant/recipient/grantee is the tenant and customer of record as defined in subdivision (a) of this section. When a fuel for heating allowance is granted to an applicant/recipient/grantee who is the customer of record for a utility bill which may include costs for service for the applicant/recipient/grantee's own residential unit and for space outside that unit, the social services district must determine whether a referral for a shared meter investigation, in accordance with the provisions of section 52 of the Public Service Law, is appropriate. A fuel for heating allowance is not granted to an applicant/recipient/grantee budgeted in accordance with the Section 8 certificate housing provisions outlined in section 352.3(d)(2)(ii) of this Part. To have primary responsibility for the payment of residential heating costs, the applicant/recipient/grantee must be the customer of record, as defined in subdivision (a) of this section, for the residential heating bill with a home energy vendor. Fuel for heating allowances must be provided on a 12-month heating season (October 1st September 30th) in accordance with the following schedules and must be based upon the applicant/recipient/grantee's primary residential heating source:

SCHEDULE SA-6a
MONTHLY ALLOWANCES FOR FUEL FOR HEATING
BEGINNING OCTOBER 1, 1987:
Oil, Kerosene, Propane

Counties of:	Nassau, New York City, Suffolk, Westchester							
Number of persons	1	2	3	4	5	6	7	8+
12 month	\$70	70	70	73	77	82	88	93

Counties of:	Chautauqua, Dutchess, Orange, Putnam, Rockland, Ulster							
Number of persons	1	2	3	4	5	6	7	8+
12 month	\$68	68	68	71	74	80	85	91

ITN 04-01 Approval Date OCT 19 2004
Supersedes 04-01 JAN 01 2004

OFFICIAL

Attachment E
Page 21 of 40

Counties of: Columbia, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga,
Ontario, Orleans, Oswego, Wayne

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$69	69	69	72	75	81	87	92

Counties of: Albany, Cayuga, Chemung, Greene, Schenectady, Schuyler, Seneca,
Tompkins, Yates

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$69	69	69	72	75	81	87	92

Counties of: Allegany, Broome, Cattaraugus, Chenango, Cortland, Delaware, Fulton,
Jefferson, Madison, Montgomery, Otsego, Rensselaer, Saratoga, Schoharie,
Steuben, Sullivan, Tioga, Warren, Washington, Wyoming

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$72	72	72	75	78	84	90	96

Counties of: Clinton, Lewis, Oneida, St. Lawrence

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$71	71	71	74	78	83	89	95

Counties of: Essex, Franklin, Hamilton, Herkimer

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$77	77	77	80	84	90	96	102

SCHEDULE SA-6b
MONTHLY ALLOWANCES FOR FUEL FOR HEATING
BEGINNING OCTOBER 1, 1987:
Natural Gas, Coal, Wood, Municipal Electric Utilities
not Regulated by the Public Service Commission,
Any Other Fuel not Covered by SA-6a and SA-6c

Counties of: Nassau, New York City, Suffolk, Westchester

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$56	56	56	58	61	65	69	74

Counties of: Chautauqua, Dutchess, Orange, Putnam, Rockland, Ulster

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$55	55	55	57	60	64	68	73

04-01
Approval Date OCT 19 2004
Effective Date JAN 01 2004
Mercedes TN

OFFICIAL

Attachment E
Page 22 of 40

Counties of: Columbia, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario,
Orleans, Oswego, Wayne

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$54	54	54	56	58	63	67	71

Counties of: Albany, Cayuga, Chemung, Greene, Schenectady, Schuyler, Seneca,
Tompkins, Yates

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$58	58	58	60	63	68	72	77

Counties of: Allegany, Broome, Cattaraugus, Chenango, Cortland, Delaware, Fulton,
Jefferson, Madison, Montgomery, Otsego, Rensselaer, Saratoga, Schoharie,
Steuben, Sullivan, Tioga, Warren, Washington, Wyoming

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$58	58	58	60	63	67	72	77

Counties of: Clinton, Lewis, Oneida, St. Lawrence

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$55	55	55	57	60	64	69	73

Counties of: Essex, Franklin, Hamilton, Herkimer

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$66	66	66	68	71	77	82	87

SCHEDULE SA-6c MONTHLY ALLOWANCES FOR FUEL FOR HEATING BEGINNING OCTOBER 1, 1987:

Public Service Commission-Regulated Electric Utilities, Village of Greenport Electric

Counties of: Nassau, New York City, Suffolk, Westchester

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$90	90	90	94	99	106	113	120

Counties of: Chautauqua, Dutchess, Orange, Putnam, Rockland, Ulster

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$105	105	105	109	114	123	131	139

Counties of: Columbia, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario,
Orleans, Oswego, Wayne

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$107	107	107	111	117	125	134	142

TN 04-01 Approval Date OCT 19 2004
Supersedes TN Effective Date JAN 01 2004

OFFICIAL

Attachment E
Page 23 of 40

Counties of: Albany, Cayuga, Chemung, Greene, Schenectady, Schuyler, Seneca,
Tompkins, Yates

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$120	120	120	125	131	140	150	160

Counties of: Allegany, Broome, Cattaraugus, Chenango, Cortland, Delaware, Fulton,
Jefferson, Madison, Montgomery, Otsego, Rensselaer, Saratoga, Schoharie,
Steuben, Sullivan, Tioga, Warren, Washington, Wyoming

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$122	122	122	127	133	142	152	162

Counties of: Clinton, Lewis, Oneida, St. Lawrence

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$122	122	122	127	133	143	153	163

Counties of: Essex, Franklin, Hamilton, Herkimer

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$140	140	140	146	153	164	175	186

(c) Payment essential to obtain non-utility heating fuel for an applicant for family assistance (FA), safety net assistance (SNA), veteran assistance or emergency public assistance. The district must authorize a nonrecoupable payment to an applicant for family assistance, safety net assistance, veteran assistance or emergency public assistance for non-utility (other than natural gas or electricity) heating fuel, including an applicant whose non-utility heating bill includes costs for the applicant's own residential unit and for other residential units, provided such payment is necessary to obtain non-utility heating fuel essential for the applicant's residential heating purposes. Such payment may only be made when it is documented that the applicant is the tenant of record and the customer of record, as defined in subdivision (a) of this section, and alternative payment or housing accommodations cannot be arranged and the applicant is without liquid resources to pay for such non-utility heating fuel. Such payment must not exceed the cost of non-utility heating fuel required to meet the applicant's immediate need. However, once an initial payment has been authorized for an applicant whose non-utility heating bill includes costs for the applicant's own residential unit and for other residential units, subsequent emergency payments to obtain non-utility heating fuel for that applicant may only be authorized for deliveries made on an alternate basis with the other unit(s) sharing the fuel source. Prior to issuing payment for each subsequent delivery, it must be documented that heating fuel in amounts reasonably comparable to the most recent delivery paid for by the social services district has been provided by or on behalf of the other unit(s) sharing the fuel source. When the alternate delivery requirement has not been met or cannot be

TN 04-01 Approval Date OCT 19 2004
Supersedes TN _____ Effective Date JAN 01 2005

Attachment E
Page 24 of 40

documented, the social services district must address the applicant's hearing emergency with alternative methods. These methods include, but are not limited to, the following: referrals to services and/or other agencies; exploration of alternative housing; exploration of other funding sources (including HEAP); or the lending of safe supplemental heating devices. Documentation of need for the social services district payment must be fully recorded in the applicant's case file.

(d) Payment essential to obtain non-utility heating fuel. This subdivision applies to recipients of family assistance, safety net assistance, veteran assistance, or self-maintaining grantees in receipt of family assistance or safety net assistance on behalf of dependent children and in receipt of fuel for heating allowances as outlined in subdivision (b) of this section. An advance allowance subject to recoupment, in accordance with section 352.11 of this Part, must be authorized for such recipient or grantee when it is documented that the recipient/grantee is the tenant and customer of record for the residential heating bill, as defined in subdivision (a) of this section, and when the recipient/grantee has made a request in writing for such an allowance and also has requested in writing that the monthly grant be reduced to recover the advance allowance. This provision is applicable in those cases where the recipient/grantee's non-utility heating bill includes costs for the recipient/grantee's own residential unit and for other residential units. Once an initial payment has been authorized for a recipient/grantee whose non-utility heating bill includes costs for the recipient/grantee's own residential unit and for other residential units, subsequent payments to obtain non-utility heating fuel for that recipient/grantee may only be authorized for deliveries made on an alternate basis with the other unit(s) sharing the fuel source. Prior to issuing payment for each subsequent delivery, it must be documented that heating fuel in amounts reasonably comparable to the most recent delivery paid for by the social services district has been provided by or on behalf of the other unit(s) sharing the fuel source. When the alternate delivery requirement has not been met or cannot be documented, the social services district must address the recipient/grantee's heating emergency with alternative methods. These methods include, but are not limited to, the following: referrals to services and/or other agencies; exploration of alternative housing; exploration of other funding sources (including HEAP); or lending of safe supplemental heating devices.

(e) Payment essential to continue or restore utility service for an applicant for family assistance, safety net assistance, veteran assistance or emergency public assistance. A payment must be made for utilities previously provided to an applicant for family assistance, safety net assistance, veteran assistance or emergency public assistance if such payment is essential to continue or restore utility service. Payment essential to continue or restore utility service may be provided to an applicant whose utility bill includes costs for service for the applicant's own residential unit and for space outside that unit. Payment may only be made when it is documented that the applicant is the tenant of record and the customer of record, as defined in subdivision (a) of this section, and

TN 04-01 Approval Date OCT 19 2004
Supersedes TN _____ Effective Date JAN 01 2004

OFFICIAL

Attachment E
Page 25 of 40

alternative payment or housing accommodations cannot be made and the applicant is without liquid resources to continue or restore utility service. Payment must not exceed the cost of utilities provided to the applicant during the four most recently completed monthly billing periods or two most recently completed bi-monthly billing periods for which a bill has been issued immediately preceding the date of application for such assistance. Payment is limited to the applicant's proportionate share of the cost of service for the most recently completed four monthly or two most recently completed bi-monthly billing periods for which a bill has been issued immediately preceding the date of application for such assistance when the applicant's utility bill includes costs for service for the applicant's own residential unit and for space outside that unit. Payment must not exceed the balance due on the account. In a shared meter situation subject to the provisions of section 52 of the Public Service Law, the proportionate share is to be determined by the utility company's apportionment of retroactive charges upon completion of a shared meter investigation and determination. As a condition of receiving such assistance, an applicant not in receipt of recurring public assistance or supplemental security income whose gross monthly household income on the date of application exceeds the public assistance standard of need for the same size household must sign an agreement to repay the assistance within one year of the date of the payment. A household consists of all persons who occupy a housing unit. A house, an apartment or other group of rooms, or a single room is regarded as a housing unit when it is occupied or intended for occupancy as separate living quarters. A household includes related family members and all unrelated persons, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone, or a group of unrelated persons sharing a housing unit as partners, also constitutes a household. The public assistance standard of need is determined by applying the following statewide standards of need in accordance with office regulations: the pre-add allowance as set forth in Schedule SA-2a of section 352.3 of this Part; the shelter allowance as paid, but not to exceed the maximum allowance set forth in section 352.3 of this Part; the fuel allowance set forth in Schedule SA-6a, SA-6b or SA-6c of section 352.5 of this Part, if the applicant is the tenant of record and customer of the record for the residential heating bill; the home energy and supplemental home energy payments (HEA and SHEA) as set forth in schedule SA-2b or SA-2c of section 352.1 of this Part; and, if applicable, the additional cost of meals for persons unable to prepare meals at home as set forth in schedule SA-5 of section 352.7 of this Part. The repayment agreement must set forth a schedule of payments that will assure repayment within one year of the date of payment. Subsequent assistance to continue or restore utility service must not be provided unless any prior utility arrearage payments have been repaid or are being repaid in accordance with the schedule of payments contained in each prior repayment agreement as of the date of application for such subsequent assistance. Repayment agreements under this subdivision may be enforced in any manner available to a creditor, in addition to any other remedy the district may have pursuant to the Social Services Law.

TN 04-01 Approved Date OCT 19 2004
Supersedes TN _____ Effective Date JAN 01 2004

(f) Payment essential to continue or restore utility service for a recipient of family assistance, safety net assistance, veteran assistance, or self-maintaining grantee in receipt of public assistance for dependent children and in receipt of a home energy allowance and supplemental home energy allowance (HEA and SHEA) and/or a fuel for heating allowance, as defined in subdivision (b) of this section. For purposes of this subdivision, the term recipient is defined as: a recipient of family assistance, safety net assistance, veteran assistance, or a self-maintaining grantee in receipt of public assistance on behalf of dependent children and in receipt of a HEA and SHEA and/or a fuel for heating allowance, as defined in subdivision (b) of this section.

(1) A payment must be made for utilities previously provided to a recipient of family assistance, safety net assistance, veteran assistance or grantee in receipt of public assistance for dependent children and in receipt of an HEA and SHEA and/or a fuel for heating allowance, as defined in subdivision (b) of this section if such payment is essential to continue or restore utility service. Payment essential to continue or restore utility service may be provided to a recipient whose utility bill includes costs for service for the recipient's own residential unit and for space outside that unit. Payment may only be granted when it is documented that the recipient/grantee is the tenant and customer of record, as defined in subdivision (a) of this section and when alternative payment or housing accommodations cannot be made and the recipient is without liquid resources to continue or restore utility service. Payment must not exceed the cost of utilities provided to the recipient for the four most recently completed monthly billing periods or two most recently completed bi-monthly billing periods in which service was rendered within the 10 monthly or five bi-monthly most recently completed billing periods immediately preceding the date of request for such assistance. When the recipient's utility bill includes costs for service for the recipient's own residential unit and for space outside that unit, payment is limited to the recipient's proportionate share of the cost of service for the time frames outlined above. In a shared meter situation subject to the provisions of section 52 of the Public Service Law, the proportionate share is to be determined by the utility company's apportionment of retroactive charges upon completion of a shared meter investigation and determination. Payment must not exceed the balance due on the account and must be provided in accordance with the provisions of paragraphs (2), (3) and (4), (5), (6), and (7) of this subdivision.

(2) Payment must be provided as a nonrecoupable grant when it is documented that during the period specified in paragraph (1) of this subdivision the recipient has fully applied the public assistance grant to purposes intended to be included in such grant. Such documentation for recipients not budgeted in accordance with the Section 8 certificate housing provisions outlined in section 352.3(d)(2)(ii) of this Part must include proof of payment of: an amount at least equal to the combined

TN 04-01 Approval Date OCT 19 2004
Supersedes TN Effective Date JAN 01 2004

OFFICIAL

**Attachment E
Page 27 of 40**

Home Energy Allowance and supplemental Home Energy Assistance (HEA and SHEA) budgeted in the public assistance grant to domestic (lights, cooking, hot water) energy costs; the monthly fuel for heating allowance budgeted in the public assistance grant to incurred heating costs; and the monthly shelter allowance budgeted in the public assistance grant to shelter costs. In addition, there must be no other evidence of mismanagement. Documentation for recipients budgeted in accordance with the provisions outlined in section 352.3(d)(2)(ii) of this Part must include proof of payment of: an amount at least equal to the combined Home Energy Allowance and Supplemental Home Energy Allowance (HEA and SHEA) budgeted in the public assistance grant to domestic energy costs (lights, cooking, hot water); an amount at least equal to the shelter allowance budgeted in the public assistance grant towards shelter, heating, water, and other shelter-related items covered by the federal Department of Housing and Urban Development utility allowance. In addition, there must be no other evidence of mismanagement.

(3) If such recipient is not eligible for a nonrecoupable grant pursuant to paragraph (2) of this subdivision, or for other available non-recoupable grants including Home Energy Assistance Program benefits, payment must be provided as an advance allowance subject to recoupment in accordance with section 352.11 of this Part.

(4) Whenever a social services district makes an arrearage payment to continue or restore the utility service of a public assistance recipient, the district must also, prospectively for a period of six months or until the case is closed, whichever occurs first, act as a guarantor of the recipient's future utility bills or place the recipient on voucher payment. When the recipient is the customer of record for a utility bill which includes costs for service for the recipient's own residential unit and for space outside that unit, only the recipient's proportionate share of the bill is the prospective responsibility of the social services district.

(5) If the agency uses a voucher payment to meet the prospective responsibility for an FA recipient the agency must be able to document recipient mismanagement. For the purposes of this subdivision, mismanagement is determined in accordance with the provisions outlined in paragraph (2) of this subdivision. In such cases, amounts not to exceed the following are restricted from the recipient's grant:

(i) if the recipient's utility bill represents "heat only," and the recipient does not reside in or is not budgeted in accordance with the Section 8 certificate housing provisions outlined in section 352.3(d)(2)(ii) for this Part, the recipient's monthly fuel for heating allowance is removed from the recipient's monthly grant. If the recipient's utility bill represents "heat only"

TN 04-01 Approval Date OCT 19 2004
Supersedes TN _____ Effective Date JAN 01 2004

OFFICIAL

Attachment E

Page 28 of 40

and the recipient does reside in Section 8 certificate housing or is budgeted in accordance with section 352.3(d)(2)(ii) of this Part, the balance of the shelter allowance minus the actual rent obligation, up to an amount equal to the appropriate fuel allowance schedule set forth in subdivision (b) of this section for the appropriate heating type and public assistance household size, is removed from the grant. Heating costs paid by the district which exceed the amount removed from the recipient's grant are considered to be overpayments subject to recoupment in accordance with section 352.31(d) of this Part;

(ii) if the recipient's utility bill represents domestic costs only (lights, cooking, hot water), the recipient's Home Energy Allowance and Supplemental Home Energy Allowance (HEA and SHEA) or the average monthly cost of the recipient's domestic utility service, whichever is less, is removed from the recipient's grant. Domestic energy costs paid by the district which exceed the amount removed from the grant must be considered to be overpayments subject to recoupment in accordance with section 352.31(d) of this Part.

(iii) if the recipient's utility bill represents heat and domestic costs, a combination of the amounts outlined in subparagraphs (i) and (ii) of this paragraph is removed from the grant. If the recipient's combined heat and domestic costs exceed the amounts removed from the recipient's grant, the balance must be considered an overpayment subject to recoupment in accordance with section 352.31(d) of this Part.

(6) If the agency uses a vendor payment to meet the prospective responsibility for an SNA recipient, the agency may do so in accordance with section 381.3(c)(2) of this Title.

(7) When a recipient has been placed on vendor payment, whereby the social services district pays the energy vendor directly, as a result of mismanagement by the recipient or for administrative ease, the district must at least annually, at case closing, and upon termination of the vendor payment arrangement, determine if there has been an under/overpayment. Identified underpayments/overpayments are to be reconciled in accordance with section 352.31(d),(e), and/or (f) of this Part.

(g) (1) For recipients with heating costs in excess of their annual allowance provided pursuant to the schedules set forth in this section, the district should explore the possibility of alternative housing (renters only) and/or weatherization/conservation services.

TN 04-01 Approval Date SEP 19 2004
Supersedes TN _____ Effective Date JAN 01 2004